

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.

§  
§  
§  
§  
§

v.

Case No. 2:22-CV-0203-JRG-RSP

MICRON TECHNOLOGY, INC., ET AL.

§

**Pretrial Conference  
MAG. JUDGE ROY PAYNE PRESIDING  
December 20, 2023**

**OPEN: 9:00 am**

**ADJOURN: 2:45 pm**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEY FOR DEFENDANTS: See attached

LAW CLERK: Kyle Dockendorf

COURT REPORTER: Shelly Holmes

COURTROOM DEPUTY: Becky Andrews

Court opened. Case called. Jennifer Truelove introduced co-counsel and announced ready. Wes Hill introduced co-counsel and announced ready.

Jury Selection will be January 22, 2024 at 9:00 a.m. before Judge Gilstrap. There is a possibility that the jury selection may be the Friday before. The parties will be given plenty of notice. The parties will have 30 minutes per side for voir dire, 30 minutes for opening statements and 40 minutes for closing arguments. The parties will be allowed 12 hours of evidence per side. The Court adopted the proposed pretrial order submitted by the parties.

The Court gave an overview of what will be taken up at today's hearing.

First on the agenda were objections to witnesses. Jason Sheasby argued an issue with Defendants' witness, Matt Freeman. David Enzminger responded. The Court ruled that the witness will not be called.

Narrowing of the claims and the prior art references: Plaintiff to disclose final election 10 days before jury selection and to disclose final theories and references 3 days thereafter, as more fully described on page 4 of Dkt. No. 354.

The Court then heard objections to Plaintiff's Motions in Limine. Mr. Sheasby argued for plaintiff. Mr. Enzminger and Mike Rueckheim responded. The Court made rulings.

The parties then argued the objections to Defendants' Motions in Limine. The Court made rulings.

After the lunch break, Wes Hill continued with Defendants' Motions in Limine.

Tom Melsheimer argued Defendants' Motion to Stay Pending Resolution of *Inter Partes* Review of the Asserted Patents (Dkt. No. 80). Mr. Sheasby responded. The Court took the motion under consideration.

Mr. Sheasby then argued Plaintiff's Motion to Compel Micron Defendants to Produce Clawed-Back Documents (Dkt. No. 393). Mr. Rueckheim responded. The Court took the motion under consideration.

After the break, Mr. Rueckheim reported the agreements regarding Plaintiff's Motion to Compel Production of Documents Related to Accused Products (Dkt. No. 351). Mr. Sheasby confirmed.

The final pretrial conference will be held on January 12, 2024. The Court asked the parties to file updated exhibit lists prior to the final pretrial conference.

Mr. Hill brought up an issue regarding a certain motion in limine argued earlier. Mr. Sheasby responded.

Rex Mann announced that if a stay is granted, Defendants agree to full statutory estoppel as to the '0918 and '054 patent IPRs.